

# **EXHIBIT 184**

1 UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF GEORGIA  
3 ATLANTA DIVISION  
4

5 Civil Action No. 1:17-cv-02989-AT  
6

7 \_\_\_\_\_  
8 DONNA CURLING, et al.,  
9 Plaintiffs,  
10

11 vs.

12 BRAD RAFFENSPERGER, et al.,  
13 Defendants.  
14 \_\_\_\_\_

15 VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF  
16 JEFFREY E. LENBERG

17 DATE: November 21, 2022

18 TIME: 10:05 a.m. to 6:21 p.m. Eastern

19 LOCATION: Witness location  
20

21 REPORTED BY: Felicia A. Newland, CSR  
22

Veritext Legal Solutions  
1250 Eye Street, N.W., Suite 350  
Washington, D.C. 20005

1                   A       Yes. A brief CV, yes. It's  
2 obviously one page, but yes.

3                   Q       And let me ask you, I'm going to come  
4 back to this probably in a little bit greater  
5 detail, but what generally is your experience in  
6 testing or evaluating electronic election systems?

7                   A       Well, I have quite a bit at this  
8 point. Since I did testing in Georgia, in Coffee  
9 County, I've done quite a bit of testing associated  
10 with a court case in Michigan. And I -- those are  
11 the two places where I -- I've tested the equipment  
12 itself. I also -- it depends on how you define  
13 testing. I have -- I've run EMS software as well  
14 and evaluated EMS software.

15                  Q       Which did you work on first, Coffee  
16 County or Michigan?

17                  A       Coffee County was the first location  
18 that I actually had an opportunity to go to and try  
19 to help.

20                  Q       And prior to going to Coffee County,  
21 did you have experience with electronic voting  
22 systems?

1                   A        I had experience from 1994/'95 time  
2                   frame, but it was more the data associated with the  
3                   electronic voting systems versus hands-on  
4                   equipment.

5                   Q        Okay. And what is your first  
6                   experience with the Dominion Voting System?

7                   A        That was Coffee County.

8                   Q        Okay. Your background is extensive,  
9                   I realize that, and it's -- it has many different  
10                  facets to it, but one of them is in testing. Is  
11                  that correct?

12                  A        That's correct.

13                  Q        And could you just describe for the  
14                  record how you would characterize your expertise in  
15                  testing?

16                  A        It's quite extensive. I've spent 11  
17                  to 12 years developing and designing satellite  
18                  systems and designing software to do automated  
19                  testing of satellite systems, as well as designing  
20                  test procedures to do that testing, as well as  
21                  doing all kinds of maintenance on orbit testing of  
22                  satellites after launch, using software that I had

1           been involved in developing.

2                       And then I ended up actually being a  
3           manager of a test development group where I had  
4           about 20 people working for me developing test  
5           systems, as well as later on I had another group.  
6           I switched and managed another group that was  
7           running operational test systems. So I have all  
8           that experience, about 11 years worth of doing  
9           that.

10                   The kind of testing we did was  
11           extremely high-reliability testing. We had to test  
12           a satellite system for years before it was  
13           launched. The -- I put in my documents a  
14           picture -- you probably wondered why it was in  
15           there, it was a group of satellites, an early  
16           warning satellite system that I had a lot to do  
17           with designing circuits. I have hardware flying on  
18           that, but a lot of testing associated with that.

19                   And we test for years. And at 20,000  
20           miles out in space you don't get a chance to go fix  
21           it, so you've got to get it right. So the testing  
22           is quite extensive. And it's not just testing for

1 function, it's thermal testing, shock testing, all  
2 kinds of mechanical, radiation testing, EMC  
3 testing, that's electromagnetic connectivity  
4 interference, electromagnetic interference testing,  
5 acoustic testing. You name it, I -- I have done  
6 the testing. I had the good privilege of working  
7 at a laboratory that had the most advanced test  
8 facilities probably in the United States, maybe in  
9 the world.

10 And in addition to that, I did  
11 on-orbit testing after we launched our satellites,  
12 and so I had to obviously test the systems once  
13 they got on orbit. But I also did maintenance on  
14 the systems once they were on orbit. So there was  
15 a time or two when I was called because of a  
16 problem with a payload on orbit on that particular  
17 satellite that I showed in the picture there, where  
18 I personally went to the ground station of an  
19 operational satellite and spent hours testing it  
20 and then putting back into a working configuration.

21 Each one of those satellites was an  
22 800 million-dollar satellite, \$400 million for

1 the -- the satellite itself and \$400 million,  
2 approximately, to launch it. And I was handed  
3 control of -- of that satellite. And I personally  
4 was the only one sitting there doing the testing,  
5 reconfiguring.

6 The particular one that I'm thinking  
7 of, I was directed to call the watch officer at  
8 NORAD on a secure telephone, which I did, and that  
9 was two o'clock in the morning, and he had  
10 instructions to wake up the Four Star General that  
11 is the head of Space Command and let him know that  
12 his -- his primary asset was fully operational once  
13 again.

14 So yes, I have very extensive test  
15 experience.

16 Q And then you retired in 2012 from  
17 Sandia Labs. Is that right?

18 A Late 2011.

19 Q Okay. And then after that, I see you  
20 had a -- or have a project in Nairobi, Kenya. Is  
21 that right?

22 A I have a small company based in

1       Nairobi, Kenya called Worldwide Africa. And we  
2       develop energy systems for nonprofits and others  
3       down there, homes, residences, businesses, schools,  
4       people that do not have access to electricity.

5               So since that time, leaving Sandia,  
6       that's been one of the things that I've done is  
7       spend quite a bit of time in Africa, in Kenya,  
8       Uganda, current projects in Malawi, Sierra Leone,  
9       and bringing energy systems to especially schools  
10      that don't have access to it.

11             Q       And that's a nonprofit group. Is  
12      that right?

13             A       My companies are for profit. We work  
14      with nonprofits.

15             Q       Okay. So I understand you had some  
16      election experience in the '90s.

17             MR. BROWN: I think the screen is  
18      frozen.

19             Felicia --

20             COURT REPORTER: Yes, he's frozen.

21      BY MR. BROWN:

22             Q       We might have missed a little bit of

1           your last sentence here. You froze up there for a  
2           second, but I'll -- I'll move on.

3                   A        Okay.

4                   Q        You had some experience with  
5           elections in the 1990s, I believe --

6                   A        That's correct.

7                   Q        -- but recently -- but recently when  
8           was your interest in election integrity or election  
9           systems renewed?

10                  A        August 2020, is when it got renewed.

11                  Q        And what triggered that?

12                  A        Well, the upcoming election and the  
13           fact that I believe we were in the middle of the  
14           COVID situation at the time. And part of my  
15           background is doing broad spectrum analysis. When  
16           you look at vulnerabilities -- you haven't gotten  
17           to that part yet -- but I look at things across the  
18           board.

19                           And so I was paying attention at that  
20           point -- began to pay attention to what was going  
21           on in the world, and there were just a lot of  
22           concerns about what was happening and what might

1 Q And then let's go ahead and look at  
2 your report if that's pulled up yet.

3 A Okay.

4 Q And do you see it?

5 A Which one -- yeah, we do.

6 Which one?

7 Q Let's go to the ICC one first, if we  
8 could.

9 A Okay.

10 Q Which is the last page.

11 A Yeah. The ICC one is the one I  
12 wrote. Doug wrote the other one.

13 Q Okay.

14 A I'm a man of few words. I only have  
15 one page.

16 Q If you look at the results, which I  
17 want to go to, you state, "The scanner worked  
18 extremely well with no rejects for almost all of  
19 the configurations that we -- that were run over a  
20 several-hour period. Midway through the testing,  
21 we reconfigured the ICC to have a date of  
22 November 5th instead of the current date."

1 Do you see that?

2 A Yes, I do.

3 Q And why did you change the date?

4 A The reason I did that is, again, I'm  
5 a testing expert and I'm also a vulnerability  
6 spotter expert, if you will, assessment, and -- and  
7 I'm an expert in that area. So one of the things  
8 that a bad actor would do potentially is use the  
9 date as a trigger. Okay? So they -- they would  
10 potentially use a date.

11 So, for example, they could say --  
12 they could put in the firmware, you know, prior to  
13 November 3rd, worked perfectly, and then on and  
14 after November 3rd, for a period of time do the  
15 subversion that's built in. And, oh by the way, if  
16 40 days goes by, or whatever the canvassing period  
17 is, go back to working perfectly.

18 So that was the reason it dawned on  
19 me, wait a second, it's been working perfectly all  
20 this time. And, again, we were trying to see if we  
21 could get it back into the state where it was  
22 misbehaving on the -- during the runoff.

1                   And so it crossed my mind that, wait  
2                   a second, it may be date dependent, so let's  
3                   reverse the date on the machine. I asked Misty to  
4                   do that, to set the date back to November 5th, so  
5                   that it would be within a reasonable period of time  
6                   of the election in case that was being used as a  
7                   trigger mechanism.

8                   Q       Why didn't -- why did you pick the  
9                   5th instead of the election day?

10                  A       I wanted it to appear as a recount,  
11                  right? So that's why. Instead of the original  
12                  election day, I -- I was -- look, if -- if -- a lot  
13                  of people don't realize the way that recounts are  
14                  done in most of the states, they will label them as  
15                  a manual recount. It turns out most states that do  
16                  manual recounts don't do manual recounts, they just  
17                  call it a manual recount.

18                  What they mean by -- even the state  
19                  law in New Mexico is that you take randomly 100  
20                  ballots out of the actual ballots that were voted,  
21                  or so, and it's usually a small number, like 100 or  
22                  125, 150, and you manually score those.

1                   You set up the election. You run  
2                   those 100 or 150 through. You compare it to the  
3                   hand scoring. If they agree, then you start all  
4                   over and run thousands of ballots through that  
5                   machine. You set up a new election and -- and you  
6                   run thousands through the machine.

7                   The problem with that is that if  
8                   there's a trigger level, that's not going to catch  
9                   it. And obviously, you've got to be able -- if --  
10                  if a recount is done, your machines better -- and  
11                  if they're misbehaving, you need them to misbehave  
12                  the same way they did on election night. And so  
13                  that is why I picked something close, but not  
14                  exactly election.

15                  Does that make sense? Have I  
16                  confused you? That is pretty techy, but have I  
17                  confused you?

18                  Q        No, I understood it, but it seems  
19                  like if you were trying to detect if there was a  
20                  subversion when the votes were counted, you would  
21                  date it when the votes were counted first.

22                  A        Well, keep in mind that they did do a

1 manual -- I mean, they did a machine recount, and  
2 apparently -- you said apparently the number came  
3 out correct.

4 Q Not on the machine recount, on the  
5 hand recount.

6 A Oh.

7 Q What you were doing --

8 A I'm sorry, I'm confused.

9 But in any case, I don't remember the  
10 exact reason why other than I was trying to do  
11 something close to the election, but not the  
12 election, to make sure I was in what might be a  
13 window in which a subversion was authorized or --  
14 or not authorized, but triggered, if you will.  
15 Let's call it triggered.

16 I looked for triggers on -- on if the  
17 firmware were subverted, anybody that creates  
18 something like that would have to create the proper  
19 trigger mechanism so that they could defeat logic  
20 and accuracy testing and survive a machine recount.

21 Q Right.

22 But your trigger here was after the

1 actual election night, correct?

2 A That's correct.

3 Q Okay. And you -- you asked Misty to  
4 change the date in both the EMS and the ICC,  
5 correct?

6 A I believe so.

7 Q And did you ask her after your  
8 testing was done to reset the clock?

9 A I did. To my recollection, I did. I  
10 asked her to set it back.

11 Q Okay. And do you know if she did one  
12 way or the other?

13 I mean, did you see her reset it?

14 A You're asking me detail that I --

15 Q You don't remember?

16 A I don't remember.

17 Q Okay. Did you think that it was  
18 necessary for you to obtain -- or Misty to obtain  
19 any additional authorization to change the clock on  
20 the EMS server?

21 A No.

22 Q You say after you mention in your

1 report -- or the same sentence -- well, you say,  
2 "Through the testing we'll reconfigure the ICC to  
3 have a date of November 5th instead of the current  
4 date."

5 A Uh-huh.

6 Q Okay. And then you report that you  
7 happened upon a set of scanner configuration  
8 parameters. Do you see that?

9 A Yes. Yeah. So what happened was --  
10 MR. CLEMENTS: Let's stop. Is there  
11 a question?

12 THE WITNESS: Yes, what's the  
13 question?

14 MR. BROWN: I was about to get it --  
15 I was about to get to it. Thank you, Mr. Clements.  
16 BY MR. BROWN:

17 Q You say, "We happened upon it." Did  
18 those scanner settings just appear or did you run  
19 through -- did you have her run through different  
20 configuration parameters?

21 A I'm trying to think if that is a  
22 multiple question or not, but --

1                   Q       So you say, "We happened upon it,"  
2       sort of like the British expression, "It went  
3       missing." You know, it's like how -- how did you  
4       happen upon a set of scanner configuration  
5       parameters?

6                   A       Yes. So let me explain. So I had  
7       access through Misty there to the manual that  
8       explained how that system works. So I scanned  
9       through that looking for how it worked. Keep in  
10      mind, I was trying to learn how these machines  
11      worked so that I could find out if there was any  
12      particular issue or not. These manuals, by the  
13      way, are generally available on the internet. You  
14      can go out and find manuals on -- on these machines  
15      available on the internet.

16                         So I looked through -- in fact, I  
17      might have even looked through one before I showed  
18      up there. I can't recollect, but I spotted a  
19      couple things that were odd. And this is a strange  
20      thing about the way my brain works, is I look  
21      outside the box by default. So most people look  
22      inside the box. I look outside the box. That's

1           both a blessing and a curse.

2                       But anyway. So I looked for  
3           anomalous things, things that don't make sense,  
4           that shouldn't be there. And what I saw were two  
5           different things, but one was that there was a --  
6           there was a definition in there of how to change  
7           the optical scanner settings. In other words, how  
8           the scanner would scan.

9                       So built into the Dominion software  
10          is an interface to tweak the scanner settings, the  
11          optical scanner settings. That was of great  
12          concern to me. When I saw that, I thought this is  
13          an extreme vulnerability, this should never be  
14          available in a voting system.

15                      And if it is required for some odd  
16          reason, it should be totally buried, need very  
17          strong passwords to get access to it, and very  
18          limited number of people to have access to it.  
19          Well, it turns out it was in there. And if you  
20          were the administrator on a system like Ms. Hampton  
21          was, she, it turns out, had access to it. And you  
22          could tweak it. You could change those settings.

1                   Now, the reason this is horrible to  
2                   even consider it being in a machine is that you  
3                   shouldn't be allowed to go in and change the way  
4                   votes are interpreted. I mean, the way that votes  
5                   are actually detected off the ballot. And that's  
6                   what this software purportedly allows you to do.

7                   In fact, at the time there was a -- I  
8                   remember it, in late 2020 there was a news story  
9                   circulating that -- and maybe even before the  
10                  election, that the super -- that the Dominion  
11                  technicians were adjusting the sensitivity of  
12                  tabulators and scanners. And I thought that made  
13                  no sense at all. You shouldn't be able to adjust  
14                  the sensitivity. It should either detect the vote  
15                  or not detect the vote. And being able to tweak  
16                  the sensitivity of it made no sense to me at all.

17                  And so that -- red flags are going  
18                  off. Okay? Alarm bells going off. This does not  
19                  belong here. All right? You can change the way  
20                  votes are actually detected if -- if -- if this  
21                  worked, if the software was actually doing  
22                  something. And at that time, I had already heard

1 the story about Dominion techs saying that they  
2 were adjusting the sensitivity of the -- in the  
3 press. I don't remember the exact articles, but  
4 how the sensitivity was being adjusted on -- on how  
5 ballots were being read. There's no reason to  
6 design a voting system that way, a tabulator that  
7 way.

8 So I was drawn to that. And so what  
9 I did is I asked Misty to start changing those  
10 parameters to see if they made any difference. So  
11 there's a whole series of those parameters that  
12 were changed. There were several parameters there.

13 In the note supplement that we sent  
14 this morning that I came across -- sorry it came in  
15 late -- but we did find some notes, you know,  
16 working notes. And I sent photographs of those to  
17 you this morning, or David did. In there, it  
18 actually shows some notes where we -- I thought it  
19 would be helpful for this conversation. I  
20 suspected that it would come up that -- you know,  
21 the actual parameters that we changed.

22 So like D skew was in there, contrast

1           was in there, sensitivity of -- light sensitivity,  
2           or something like that was in there. Gamma. There  
3           were a bunch of different settings that were in  
4           there where you could change the way the optical  
5           scanner was going to read the ballot, supposedly.  
6           And I was surprised that Misty, through her admin  
7           interface, could actually adjust it, but she was  
8           able to.

9                        So -- so we went through them one by  
10          one and started adjusting them. And running  
11          ballots. And by the way, at that point, somewhere  
12          in there, I mean we ran quite a few ballots through  
13          and that machine worked perfectly.

14                      Just -- since it had been so-called  
15          fixed, potentially remotely on -- during the  
16          runoff, it worked perfectly. It was not stopping  
17          on any ballots at all. It literally -- in fact,  
18          Ms. Hampton commented she had never seen the  
19          tabulator work that well. It had never worked that  
20          well. And it was working extremely well.

21                      So we were adjusting them. We  
22          were -- she was checking them on the EMS to see if

1           it matched what we know we put in, because we had  
2           20 Biden, 20 Trump. We would run 20 at a time, and  
3           it was working perfectly as we adjusted down  
4           through, as you'll see in the notes, several  
5           different settings.

6                       And then the last setting out of, I  
7           don't know, half a dozen to ten settings that we  
8           changed, was a very strange setting. It was  
9           called -- well, it had to do with color pens  
10          writing on the ballot.

11                      So it turns out there's a setting  
12          where you can say, ignore red, ignore green or  
13          ignore blue or ignore none. And the default is to  
14          ignore red. And the reason that's in there --  
15          there's a good reason for that, is that sometimes  
16          if election officials need to write on a ballot for  
17          some reason and they will use a red pen typically,  
18          and so having a setting that says "ignore red"  
19          makes sense. You know, that you would want to have  
20          the software ignore any red marks that are on  
21          the -- the ballot. So we got to that one. It was  
22          set to ignore red. We changed it to "none."

1                   Now, keep in mind, to my knowledge  
2           the ballots that we had didn't have any red on  
3           them. I'm not positive, but I don't think any part  
4           of the writing on there was red. But when we  
5           changed it to "none" instead of "no red," it began  
6           behaving, according to Misty Hampton's description,  
7           exactly like it did on the runoff night. We no  
8           longer could run a set of 20 Trump ballots through  
9           without the machine stopping. We could regularly  
10          run a set of 20 Biden ballots through without the  
11          machine stopping.

12                   And that occurred in our last hour,  
13          hour and a half of testing. And if I remember  
14          correctly, I think Doug Logan had some schedule  
15          deadline for some reason that he had to leave and  
16          so we wrapped up right there.

17                   And -- but that was right towards the  
18          end of the testing, we were able to get it back  
19          into that mode. And then I believe I had Misty go  
20          ahead and reconfigure it back to the correct  
21          settings and -- and we left. So that was that  
22          portion of the visit.

1                   Q       Okay. And so you went through a  
2       number of different configuration parameters that  
3       did not cause this anomaly, correct?

4                   A       That's correct.

5                   Q       Did any of the other parameters cause  
6       other anomalies, like Biden getting rejected?

7                   A       No, not that I remember. I don't  
8       recollect. In fact, I was surprised that changing  
9       all of those other settings didn't seem to have any  
10      impact on how the scanner ran. I was actually  
11      surprised by that.

12                             It was almost like, well, these are  
13      dummies, they're not working. You know, if I  
14      change the contrast way off scale or the light  
15      sensitivity or the gamma or something, I expected  
16      it to work -- you know, to break something, make it  
17      work differently, but it didn't. It continued to  
18      work properly.

19                   Q       But to sort of go back to the top,  
20      the 2020 general election in Coffee County happened  
21      on election day, they got the results that were  
22      confirmed with one vote off in the hand recount --

1           get" -- is it Charles's approval?

2                   A       That's what it says. I don't know  
3           who it's referring to though.

4                   Q       Is that Mr. Bundren maybe? You don't  
5           know?

6                   A       I don't know.

7                   Q       And then a couple of minutes later,  
8           you say, "Got it." Do you -- do you mean  
9           understand what he said or you got permission?

10                  A       I don't recollect getting permission  
11           or doing anything with it so I assume I just was  
12           responding and saying, "Yeah, I got your message, I  
13           understand."

14                  Q       Did you ever get access to the  
15           virtual machine folder?

16                  A       Not that I recollect. I don't  
17           believe I was ever directly connected to Strickland  
18           and Sullivan's FileShare, or whatever you want to  
19           call it. Not that I recollect.

20                  Q       Okay. If you turn over to -- to page  
21           11. I'm sorry, page 12. And I'm going to ask you  
22           about a message from Phil Waldron. And I will

1           caution you that this may not be from -- to or from  
2           you or in your thread, but I still have a question  
3           about it.

4                           Phil Waldron says, "Misty from Coffee  
5           County is getting hammered like Tina in Mesa  
6           County. You have a copy of the image. We need to  
7           get it to our lawyer Bundren ASAP for her defense."

8                           Do you see that?

9                   A        I see that the message.

10                  Q        Do you recall anything about that?

11                  A        I don't. Yeah, I don't recall  
12           anything about that.

13                  Q        Do you recall changing the ICC system  
14           time again after you changed it -- after you had it  
15           changed initially?

16                  A        You mean changing it back to what it  
17           was?

18                  Q        No. Changing it to November 3rd.

19                  A        I don't recollect, but we might have.  
20           I -- I -- I don't know either way. It's possible.

21                  Q        If the -- if the records reflected  
22           that the ICC system time was changed to

1                   Q       Okay. But in any event, you're not  
2                   sure -- so it would be one election, but you're not  
3                   sure which election it was. Is that fair --

4                   A       That's correct.

5                   Q       -- to say?

6                   A       That's correct, I'm not sure which  
7                   one it was.

8                   Q       And the -- but the CompactFlash would  
9                   also have information relating to the configuration  
10                  of the ICP, correct?

11                  A       Yes.

12                  Q       And the log files, that kind of  
13                  thing?

14                  A       SLOG files, yes. The system log  
15                  files.

16                  Q       And did you figure out how to access  
17                  the information on those CompactFlash drives?

18                  A       You know, I don't recollect if I did  
19                  or not. There was so much going on at the time and  
20                  I was up in Michigan pretty quick and moved on from  
21                  Georgia, so to what extent I analyzed that from  
22                  nothing to whatever, I don't know. I -- I don't

1           recollect what it was.

2                   Q       And how did you get this information  
3           from Misty Hampton?

4                   A       I believe it was a memory stick.

5                   Q       And you asked for it and she gave it  
6           to you, right?

7                   A       I believe so.

8                   Q       It wasn't in response to an Open  
9           Records Act request, right?

10                  A       I don't believe so.

11                  Q       And is it your understanding that she  
12           had the authorization to give you this kind of  
13           information?

14                  A       Yes, I believe so. That was my  
15           understanding.

16                  Q       And I may have asked you this but --  
17           or you may have testified, is that this -- is it  
18           the same information that SullivanStrickler would  
19           have had on their ShareFile site or different?

20                  A       I would expect it to be the same.

21                  Q       And you got it from Misty because at  
22           that time you did not have access to the

1 SullivanStrickler file, right?

2 A That's not true. I -- I -- I don't  
3 know that I had access or not, but me getting it  
4 from Misty was so that -- in particular I was  
5 learning about this stuff in the system log files,  
6 so the idea was that at some point I could look at  
7 those system log files and try to look for  
8 reversals. And, again, I don't recollect how much  
9 analysis I did on that, if any. But that was what  
10 idea, was to be able to look at the system log  
11 files which are available via records request,  
12 apparently across the country in most  
13 jurisdictions.

14 Q Did you give the information on those  
15 flashcards to anybody else?

16 A No.

17 Q Were you working for an attorney in  
18 connection with obtaining those files or was that  
19 just on your own?

20 A That was essentially on my own.

21 Q And what were you going to use them  
22 for again?

1 a forensic image, but -- but the copy I got, I  
2 believe, was made by Misty Hampton.

3 Q Right. I'm referring to what you got  
4 FedExed -- what was FedExed --

5 A Oh, different -- different thing.  
6 Okay. You're talking about the disk that was sent  
7 to Michigan?

8 Q Yes.

9 A Oh, okay. Sorry. Wrong topic. Go  
10 ahead and ask the question again, please.

11 Q No, I -- I confused you because I --  
12 I didn't have a transition in my questions and  
13 so --

14 A Okay.

15 Q -- I apologize for that.

16 But what I'm referring to is a  
17 forensic copy that SullivanStrickler made and had  
18 on their ShareFile site.

19 But the sequence of that is, just  
20 goes over some of your own testimony, I'm just  
21 trying to get it together, is that you had asked  
22 Doug Logan for a copy -- you weren't able to get

1           approvals for that apparently, but then you did  
2           obtain it from Michael Lynch, correct?

3                   A       No, not quite. The -- those are two  
4           independent things that I believe you put together  
5           there. What I recollect is from the e-mail, and  
6           it's consistent with that, is that Jim Penrose and  
7           Stephanie asked if that disk be sent up there. And  
8           the disk we sent up there -- and I'm just repeating  
9           myself -- Michael Lynch received it, Michael Lynch  
10          delivered it to me. I was asked to make a copy  
11          that was utilized for I don't know what, but it was  
12          handed over to them. And then the original disk  
13          was taken by Michael Lynch.

14                   Q       And were you stationed, for lack a  
15          better term, in Michigan in that April time frame  
16          then working with them?

17                   A       What's the question again?

18                   Q       Were you physically in Michigan  
19          working on --

20                   A       I was.

21                   Q       -- working on the --

22                   A       I was.

1           it was sort of my plea for, "Let's get some extra  
2           help to really, you know, manage all of this."  
3           Because it was like drinking from a firehose, there  
4           were so many problems all over the place.

5                         Again, I could have used the staff of  
6           at least 50 to 100 people to just try to track all  
7           this stuff down that really I feel like our  
8           government should have been tracking and  
9           investigating states and the federal should have  
10          been doing investigations all over the place. And  
11          to my knowledge none were done.

12                        Q        So for the stuff --

13                        A        I never ran into an investigator  
14           anywhere.

15                        Q        So for the Coffee County work, then  
16           is it correct that you did not follow a systematic  
17           progress?

18                        A        I did not log it. I did what I  
19           consider systematic testing as far as going through  
20           a sequence to try to get it to misbehave. I took,  
21           you know, what little notes I did there to show the  
22           results. And so I did it at that level. When

1           you're doing, for example, satellite testing, it  
2           would be very, very formal with, you know, all  
3           kinds of detailed records and -- and, you know,  
4           very detailed stuff going on. We didn't have the  
5           resources or staff to do that, and that's what I  
6           was complaining about there --

7                   Q       I got it.

8                   A       -- is that we really need to get more  
9           help.

10                  Q       I got it.

11                           When you were in the Coffee County  
12           election's office, were you in the same room as the  
13           EMS server? Were you the little room that's -- I  
14           think that was the one where the investigator came  
15           in to.

16                  A       Not correct. I was in the same room  
17           as the ICC and the EMS with Misty Hampton.  
18           Ms. Hampton, the election supervisor, invited me in  
19           there to observe her running. That's where her ICC  
20           was, was in that room. And I believe that's -- to  
21           my knowledge, that's where it normally is. And so  
22           yes, I was invited in there to watch her run it.

1           that in case that was causing the trigger, that was  
2           a trigger requirement, that it would meet that  
3           requirement. So she did change the date on it. So  
4           that was one thing that was changed.

5                   Q       Did you change anything else, sir?

6                   A       You know, I believe there was one  
7           more that --

8                           MR. CLEMENTS: Objection once again  
9           to directing whether he's changing things. You  
10          need to be more precise on the record, please.

11          BY MS. MIDDLETON:

12                   Q       Did you direct Misty Hampton to  
13          change anything else, sir?

14                   A       Yes, there was one other item that  
15          comes to my mind and that was something else that  
16          stuck out as a red flag as I was looking at the  
17          documentation, and that was that there was a  
18          setting that was a bolded to not change it in the  
19          documentation. And since I think outside of the  
20          box, I thought we probably need to change that  
21          because they made a big deal about not changing it.

22                           And what it had to do with was

1       whether -- it was a crazy setting about how many  
2       ballots you could run in a batch. Okay. And  
3       typically when you put the ballots in, the default  
4       is that it -- whatever stack you put in, it runs  
5       and stops. And the next set you put in will be a  
6       new batch. This particular setting, you could  
7       change it so that it would add them to the same  
8       batch until -- until you told it not to. And the  
9       documentation said, you know, "Only do this if you  
10      need to exceed the input bin of the ICC." And the  
11      input bin was, like, 500 ballots, or something, it  
12      was very large, and it might have even been higher  
13      than that. It was one of those things that  
14      probably would never expect nobody to use, but they  
15      bolded it and said, "Don't change it unless you  
16      absolutely need to run more than, you know, the  
17      capacity of the scanner."

18               So we went ahead, Misty changed it.  
19      And the reason I did that was that it enabled a  
20      batch to be a larger number. Remember I talked  
21      earlier about a trigger. And if it's triggering on  
22      a certain number in a batch, you want a higher

1           number to get past the trigger level. So I asked  
2           her to change that setting so that it would be able  
3           to create larger batches. So other than that, I  
4           don't believe I changed any others.

5                   Q       And maybe this is asked, and excuse  
6           my ignorance, sir, if I'm asking the same thing.  
7           But did you change -- or did you direct Ms. Hampton  
8           to change any settings on the ICC?

9                           My previous question is whether you  
10          changed any programs, so if we could talk about  
11          that.

12                   A       Any settings on what?

13                   Q       On the ICC, sir. So I'm just trying  
14          to get at -- I had asked you before if you had  
15          changed -- if you had directed Ms. Hampton to  
16          change any programs, so I'm trying to drill down  
17          and see if you changed any setting -- if you  
18          directed her to change any settings, sir?

19                   A       The ICP has very limited ability to  
20          change items on ICP. It's all pretty much locked  
21          in in the configuration files that are on the  
22          CompactFlash cards in those election definition

1 files and there's a set of configuration files.

2 So, however, you do get to set the date and time.

3 That is something when you boot up the tabulators,  
4 it allows you to set the date and time.

5 So for the same reason that we did on  
6 the ICC, we directed Misty to set the date and time  
7 back to November some time close to the election or  
8 maybe even on election day, I don't remember which  
9 it was, to be able to get back into the correct  
10 time frame in case there was a trigger mechanism  
11 that required, you know, the date to be within a  
12 certain window of the election.

13 Q We're still on the ICC, right, sir?

14 A The ICP, correct.

15 Q Okay. I'm sorry. I thought we were  
16 talking about the ICC. So we -- you reset the  
17 clock on the ICC, is that right, in the EMS?

18 MR. CLEMENTS: Objection again.

19 BY MS. MIDDLETON:

20 Q You directed Misty Hampton?

21 A I -- I think you've confused the two.

22 Q Okay. Straighten me out, sir.

1                   A        Okay. The ICC is the high-speed  
2       scanner ImageCast Central --

3                   Q        Uh-huh.

4                   A        -- that has a Dell computer hooked to  
5       a high-speed off-the-shelf optical scanner. That  
6       Dell computer, through a bridge, is hooked to the  
7       Election Management -- excuse me, Management  
8       System. That's what we were talking about when I  
9       was talking about changing the scanner settings to  
10      de-skew and read red only and so on. So that is  
11      much more configurable, the ICC, than the ICP.

12                            The ICP is the ImageCast Precinct,  
13      which is the slow-speed scanner that's typically  
14      out in the precincts and does -- you know, goes  
15      much slower. That is highly pre-configured with  
16      very little configuration that you can change  
17      on-site. And the one thing that everybody gets a  
18      chance to do when you boot up from scratch is to  
19      set the date and time. So when you power up the  
20      ICP, it asks you typically for the date and time,  
21      and you put in whatever date and time you want.

22                   Q        Okay.

1                   A        So we directed them on the ICP, the  
2       precinct tabulator, the slow-speed guy, to set  
3       the -- the date and time to that window I was  
4       talking about similar to what we did on the ICC,  
5       setting the date back.

6                   Q        Okay. And did you -- on the -- going  
7       back to the ICC, sir, did you change any -- you had  
8       mentioned configuration files. Did you change  
9       any -- did you direct Ms. --

10                               MR. CLEMENTS: Objection.

11       BY MS. MIDDLETON

12                   Q        -- Hampton to change any  
13       configuration files?

14                   A        The answer is no, we didn't.

15                   Q        Did you direct Ms. Hampton to run any  
16       programs on the ICC?

17                   A        Not that I recollect.

18                   Q        Did you -- did you direct Ms. Hampton  
19       to install anything on the ICC to help you in your  
20       testing?

21                   A        Not that -- not that I recollect at  
22       all.

1           that.   I -- I -- I -- I did not notice either way.

2                   Q       Did you notice any broken seals?

3                   A       I don't know.   I -- I didn't look for  
4           it.

5                   Q       So I'll just be specific.   On the  
6           ICP, did you notice any of the tamper evidence  
7           seals were broken?

8                   A       I don't remember looking for it.

9                   Q       While you were there did Ms. Hampton  
10          open any equipment?

11                  A       I believe she did.

12                  Q       What equipment, sir?

13                  A       She had a ICP that was being sent  
14          back for repair.   And she -- because she wanted to  
15          know whether or not there was remote access, she  
16          took the cover off, she's very mechanical minded,  
17          and let us look inside to see whether or not there  
18          was a modem inside the equipment.

19                  Q       By "a modem inside the equipment,"  
20          sir, do you mean that someone installed a modem or  
21          can you go into that more, please, sir?

22                  A       The question would be was there a

## CERTIFICATE OF NOTARY PUBLIC

I, FELICIA A. NEWLAND, CSR, the officer before whom the foregoing videotaped videoconference deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me in stenotype and thereafter reduced to typewriting under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



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FELICIA A. NEWLAND, CSR  
Notary Public

My commission expires:

September 15, 2024